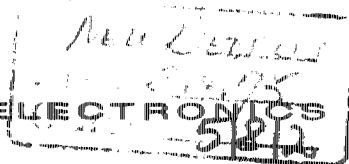


CORNELL-DUBILIER ELECTRONICS



JAMES R. KAPLAN
President

March 11, 1983

*AK
Gerry S.
Mike
Heather*

Mr. Merrill Hohman, Director
Waste Management Division
U.S. Environmental Protection Agency
JFK Federal Building
Boston, MA 02203

Dear Mr. Hohman:

Cornell-Dubilier Electronics Incorporated ("CDE") appreciates this opportunity to comment on the New Bedford Remedial Action Master Plan Draft Report of January 24, 1983, and I am submitting this letter (and enclosure) as our comments on that draft report. We have attempted to thoroughly review the draft Remedial Action Master Plan (RAMP). Given the short review period and the complexity of the underlying situation, however, we request that you view these comments as preliminary. CDE may well raise other issues and submit additional comments as the process of RAMP development continues.

The RAMP addresses contamination of New Bedford Harbor with polychlorinated biphenyls (PCBs) and other substances and also various other conditions of possible contamination which may exist generally in the New Bedford area. I wish to emphasize the concern of CDE with respect to the PCB-related conditions in the Harbor. As you are aware, PCBs were used at our facility, as well as others in New Bedford, for many years prior to any indication or suggestion arising that they might cause undesirable environmental effects. The use of PCBs, which have excellent dielectric characteristics, was widespread throughout the United States for several decades and was not only entirely legal but also universally regarded as beneficial. Subsequently, when questions were presented concerning possible adverse effects to be associated with PCBs -- and I would emphasize that there continues to be serious questioning

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within scientific circles as to the nature and extent of any adverse effects which actually result from PCBs -- government and public policy directed a shift away from their use. We agree with that policy, as a matter of reasonable precaution, and this company stopped all usage of PCBs in 1978, in full compliance with all applicable federal, state, and local laws and regulations.

In addition, CDE has recently completed an extensive program of activities at its New Bedford plant to control any release of PCBs from residues still remaining on-site as a result of the previous, now-discontinued usage of PCBs in our production processes. We have placed a permanent, impermeable cover over areas at our facility where PCBs may remain in subsurface soils so that any such PCBs will be permanently contained in an environmentally secure manner. We have also cleaned all known discharge lines from our plant so that they will not retain residues that might gradually be released into the municipal sewage system. We have conducted extensive monitoring throughout our premises to identify and clean up any other PCB residues that could be located. We believe that we are in complete compliance with all present federal, state, and local regulations that may apply to our operations or facility. The cost of these efforts on our behalf has been great, both in direct expenditures and in operational and manpower disruption, but we have considered these steps to be our responsibility, and we are proud of the records of responsive cooperation we believe we have established with EPA and other concerned regulatory officials.

We hope to continue to maintain a cooperative and constructive relationship with your Agency during its ongoing investigations and remedial activities concerning New Bedford Harbor. We are apprehensive, however, lest your planning activities fail to take into account the serious practical and financial limitations that may apply to whatever remedial program might be envisioned. We believe that it is of the utmost importance to approach these questions in the most realistic and practical manner possible so that the plans which are

developed will not overwhelm the financial resources of the affected community and create a danger of severe economic dislocation. A detailed examination of both existing conditions and alternative courses of action, together with a wise balancing of competing concerns, will be essential to assure that the program you are developing will truly serve the overall public interest of New Bedford. It is in this spirit that we have reviewed your proposed RAMP and are submitting these comments on it to you.

In general, the RAMP document clearly indicates that extensive efforts have been made in its preparation, and we believe that it provides a helpful start toward outlining an overall approach to the New Bedford Harbor situation. It reflects the large number of preliminary studies and other efforts that have already been carried out. We commend EPA for the progress in grappling with these complicated questions represented by this first draft.

However, we have developed a number of detailed comments on inaccuracies and potentially misleading statements in the draft RAMP. One example of this which is particularly disturbing concerns that data on PCBs in bottom sediments presented in figure 2-1b of the RAMP. The levels depicted in the vicinity of the Cornell-Dubilier plant are higher than those reflected in the Massachusetts DEQE data, upon which they are apparently based. Also we understand that some of the Metcalf and Eddy data used to develop figure 2-1b (and figure 2-1a) has not yet been fully subjected to quality assurance procedures. We would appreciate disclosure of the data files which formed the basis for the figures.

In addition to our detailed comments, there are several major issues regarding the scope and emphasis of the RAMP which I wish to highlight here.

First is the apparent expansion of the site definition, as reflected in the RAMP and its attached project work statements, well beyond the Acushnet River Estuary and New Bedford Harbor. The Estuary and the Harbor are the areas reflected in the Documentation Record which formed the basis for inclusion of New Bedford on the National Priorities List. The draft RAMP appears to significantly expand the scope of this site definition to include the New Bedford Municipal

Landfill, Sullivan's Ledge, New Bedford Municipal Wastewater System, ambient air, and as many as thirty "undisclosed sources and sites."

We believe that, although there may be distinct advantages in structuring the RAMP as a comprehensive document addressing all aspects of the New Bedford situation, this ad hoc expansion of the Superfund site definition may pose major legal and practical problems. The New Bedford Municipal Wastewater system is already the subject of actions under authority of the Clean Water Act; these are likely to lead to upgrading of the wastewater treatment system with funding pursuant to the Clean Water Act, primarily for reasons other than PCB contamination. The active New Bedford Municipal Landfill may perhaps more appropriately be addressed under authority of the Toxic Substances Control Act, or possibly the Resource Conservation and Recovery Act, depending on the type of contamination present there. Similarly, the as many as thirty "undisclosed sources and sites" may or may not be appropriate for Superfund activities when and if they are "discovered" or "disclosed."

In addition to posing legal questions regarding the appropriateness of Superfund activities at these locations, this expansion may spread thin limited state and federal funding available for addressing the higher priority concerns affecting the Acushnet Estuary and New Bedford Harbor. CDE recommends that the scope of the site as reflected in the draft RAMP be carefully reviewed and tailored to meet legal and funding constraints before the Plan is placed in final form. This will assure that remedial efforts are directed where they are truly needed and that government expenditures are legally and factually defensible.

Our second major concern is somewhat related to the first. The many project work statements set out in the RAMP create the potential for confusion among priorities and for application of limited funding to lesser or inappropriate priorities. For example, there may be a question whether a study of air pollution concerns should be ranked within the first priority efforts. Unless corrected before the

RAMP is placed in final form, any lack of proper priorities, especially when coupled with an overly broad scope for the site definition, can result in major expenditures of funding with little or no tangible improvement in environmental conditions in the New Bedford area -- a result all of us in the community would wish to avoid.

We are similarly concerned that the "fast-tracking" approach set out in the draft RAMP may well yield unsound decision-making and misapplication of resources. Early decisions to commence dredging of "hot-spots" before completion of circulation and pathways studies could actually result in increased environmental damage through more widespread dispersion of contaminated sediments, for example.

We all recognize the need to take action and achieve tangible results for the community. However, an unfocused or improperly ordered or directed action can create long-range problems and leave the real, pressing ones unaddressed or mishandled.

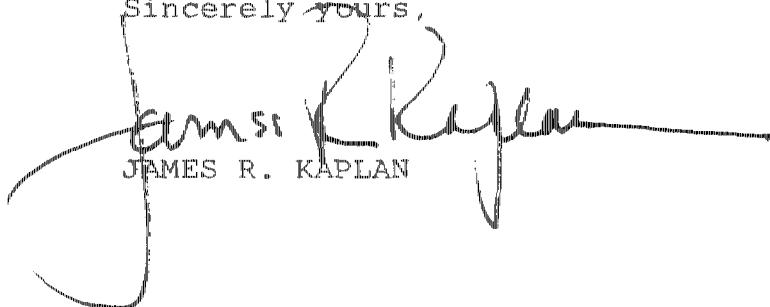
Particular emphasis should be placed on a reasoned evaluation of alternatives, including no dredging, which EPA has noted publicly in the past as a possible environmentally desirable alternative, before the "fast-track," i.e., hot spot dredging, approach is allowed to proceed, so that it can be determined what action, if any, will actually benefit the community and justify expenditure of the limited available resources.

Thus, our final -- and most serious -- concern is that the draft RAMP does not adequately address the need to define the overall goals of the remedial effort. What standards of reduced PCB concentrations can reasonably be established as objectives for both water and submerged land? To put the same questions more simple, how clean is clean? What environmental benefits can be realistically obtained and at what cost through various types and degrees of remedial actions? The RAMP should be revised to clearly address these issues as a first step in the process. This is necessary to assure that the New Bedford community actually receives the benefits it is being led to expect. It is required to meet the legal requirements of consistency with the National Contingency Plan. It is an absolute necessity

in assuring that the costs of remedial actions will be commensurate with benefits obtained and that the community, both government and corporate, will be able to bear the cost.

Again, thank you for this opportunity to comment on the draft RAMP. I hope these views will be of use to you. CDE, as a responsible member of the New Bedford community, looks forward to continuing to work with you in achieving our mutual goal of taking all feasible and reasonable steps to return the harbor and estuary areas to commercial and recreational productivity.

Sincerely yours,



The image shows a handwritten signature in black ink. The signature reads "James R. Kaplan". Below the signature, the name "JAMES R. KAPLAN" is printed in a smaller, sans-serif font.

/mdg
Enclosure